

HOUSE BILL REPORT

E2SHB 1241

As Passed Legislature

Title: An act relating to planning under the growth management act.

Brief Description: Planning under the growth management act.

Sponsors: House Committee on Local Government (originally sponsored by Representatives Duerr, Berg, Ortiz-Self, Bateman, Wicks, Macri, Harris-Talley and Pollet).

Brief History:

Committee Activity:

Local Government: 2/3/21, 2/10/21 [DPS], 1/11/22, 1/14/22 [DP2S];
Appropriations: 1/27/22, 2/1/22 [DP2S(LG)].

Floor Activity:

Passed House: 3/8/21, 54-43.
Passed House: 2/13/22, 55-43.
Passed Senate: 3/3/22, 27-21.
Passed Legislature.

Brief Summary of Engrossed Second Substitute Bill

- Increases the review and revision cycle for comprehensive plans under the Growth Management Act from eight to 10 years.
- Extends the deadline for the next comprehensive plan update for King, Kitsap, Pierce, and Snohomish counties, and for the cities within those counties, from June 30, 2024, to December 31, 2024.
- Requires certain counties and cities to submit an implementation progress report with certain required information to the Department of Commerce five years after reviewing and revising a comprehensive plan, and, if any action needed to implement changes in the most recent comprehensive plan update has not occurred at the time of the report, to create a work plan to take any needed actions within two years.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 4 members: Representatives Pollet, Chair; Duerr, Vice Chair; Berg and Senn.

Minority Report: Do not pass. Signed by 3 members: Representatives Goehner, Ranking Minority Member; Griffey, Assistant Ranking Minority Member; Robertson.

Staff: Kellen Wright (786-7134).

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill by Committee on Local Government be substituted therefor and the second substitute bill do pass. Signed by 18 members: Representatives Ormsby, Chair; Bergquist, Vice Chair; Gregerson, Vice Chair; Macri, Vice Chair; Chopp, Cody, Dolan, Fitzgibbon, Frame, Hansen, Johnson, J., Lekanoff, Pollet, Ryu, Senn, Stonier, Sullivan and Tharinger.

Minority Report: Do not pass. Signed by 13 members: Representatives Stokesbary, Ranking Minority Member; Chambers, Assistant Ranking Minority Member; Corry, Assistant Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Boehnke, Chandler, Dye, Harris, Hoff, Jacobsen, Rude, Schmick and Steele.

Staff: Jessica Van Horne (786-7288).

Background:

The Growth Management Act (GMA) requires that certain counties, and the cities within those counties, engage in planning for future population growth. Counties that have a population of 50,000 or more and, prior to May 16, 1995, had its population grow by 10 percent or more, or, after May 16, 1995, by 17 percent or more in the prior 10 years, are covered by the GMA. So too is any county that experiences population growth of 20 percent. Counties with populations under 50,000, that would otherwise be required to plan, can remove themselves from the GMA's comprehensive planning requirements. Conversely, counties that do not meet the standards for automatic inclusion in the GMA may choose to be included.

Currently, 18 counties are required to plan, 10 have chosen to plan, and 11 are not subject to the full GMA planning requirements.

Whether a county is automatically required to plan under the GMA or voluntarily chooses to, the planning requirements are largely the same. The county must develop a countywide planning policy to provide a framework in which the county, and the cities within the

county, can develop consistent comprehensive plans. The county and cities must adopt development regulations to conserve agricultural lands, forestlands, and mineral resource lands. The county and cities must also adopt urban growth area regulations. Finally, the county and cities must adopt a comprehensive land use plan and adopt development regulations consistent with the plan.

The comprehensive plan is the central part of the whole planning process. The Legislature has established 14 goals to act as the basis of all comprehensive plans. Examples of goals include reducing sprawl, providing for affordable housing, and protecting property rights. The comprehensive plan must address these goals and set out the policies and standards that are meant to guide the city or county's actions and decisions in the future. Comprehensive plans must contain certain elements, such as a land use element, a housing element, and a capital facilities plan element. These elements must satisfy the requirements for each individual element while fitting within the overall comprehensive plan.

Every eight years, a county or city that is planning under the GMA must review and revise its comprehensive plan and development regulations to ensure that the plan and regulations comply with the requirements of the GMA. This review and revision requires legislative action from the county or city. The county and cities must establish a public participation program that provides notice to various interested or impacted individuals and organizations, including Indian tribes, who can become involved in the process. The county and cities may generally only consider updates to the comprehensive plan once per year.

The eight-year review and revision deadlines are staggered for different counties. Currently, King, Kitsap, Pierce, and Snohomish counties, and the cities within those counties, have a deadline of June 30, 2024. Clallam, Clark, Island, Jefferson, Lewis, Mason, San Juan, Skagit, Thurston, and Whatcom, and the cities within those counties, have a deadline of June 30, 2025. Benton, Chelan, Cowlitz, Douglas, Franklin, Kittitas, Skamania, Spokane, Walla Walla, and Yakima, and the cities within those counties, have a deadline of June 30, 2026. Adams, Asotin, Columbia, Ferry, Garfield, Grant, Grays Harbor, Klickitat, Lincoln, Okanogan, Pacific, Pend Oreille, Stevens, Wahkiakum, and Whitman, and the cities within those counties, have a deadline of June 30, 2027. Each of these counties, and the cities within those counties, must again update their comprehensive plans every eight years after the current deadline.

Summary of Engrossed Second Substitute Bill:

Comprehensive plans must be reviewed and revised every 10 years. The deadline for the review and, if necessary, revision of the comprehensive plans of King, Kitsap, Pierce, and Snohomish counties, and the cities within those counties, is December 31, 2024.

Counties planning under the GMA that have: (a) a population of 200,000 and a population density of at least 100 people per square mile on or after April 1, 2021; and/or (b) have grown by an annual rate of 1.75 percent or more and have a population density of at least 75

people per square mile on or after April 1, 2021; as well as cities with more than 6,000 people on April 1, 2021, within counties that satisfy either or both of these criteria, must provide the Department of Commerce with an implementation progress report five years after the adoption of a comprehensive plan. Once a county has satisfied either of the criteria, the implementation progress report requirement will remain for that county and its covered cities, even if the county later does not satisfy either or both of the criteria. The Department of Commerce must develop guidelines for the criteria and measures for counties and cities to use in the report covering:

- the implementation of previously adopted changes to the housing element of the comprehensive plan and the effect of those changes on housing affordability and availability within the jurisdiction;
- permit processing timelines; and
- progress toward implementing actions required to achieve reductions to meet greenhouse gas and vehicle miles traveled requirements as provided for in any of the elements of the comprehensive plan.

If a county or city that is required to provide an implementation progress report has yet to implement any changes that were included in the most recent update to their comprehensive plan, or has not yet taken the legislative or administrative actions necessary to implement the changes by the due date for the implementation progress report, then the county or city must identify the need for such changes or action in the report. The county or city must adopt a work plan to implement the changes, and must complete all work necessary for implementation within two years of the submission of the implementation progress report.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 1, 2022.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony (Local Government):

(In support) The extension to 10 years promotes efficiency, is better aligned with the census, and is the right interval to use. This time frame allows for thoughtful work on an ever-increasing planning workload. The six extra months for the central Puget Sound region provides planning directors there necessary extra time. The implementation progress report is a good way to ensure accountability and help jurisdictions scoping their progress, which will lead to better outcomes. Coordination with tribes is important.

(Opposed) Washington is in a housing crisis, and needs more homes. Home ownership is the best way to build wealth. The changes in this bill are appreciated, but fail to help the current housing crisis, and delaying planning intervals won't solve the problem. Delays would be acceptable if it was part of a real conversation about increasing housing supply.

(Other) Mandatory updates to comprehensive plans can trigger numerous requirements for local governments, and these can take multiple years to accomplish. Changing to a 10 year cycle gives local governments more time and allows them to better see the impacts of prior policy changes. There are concerns about the check-in requirement, as it is an unfunded mandate with no funding or funding contingency included in the bill. Funding for local governments should be added to the bill. Moving the update cycle back is concerning, but having the check-in is important. As the Growth Management Act is improved, progress would be seen over the 10-year time frames. The Growth Management timelines should sync up with Shoreline Management Act update timelines. There should be consideration for the cost savings to local governments in the bill when determining whether the check-in would actually add any costs. Monitoring progress, including of the container port element and of incorporating those requirements into city plans, is important. This ensures protection of industrial areas and allows for surge capacity at ports that recent history has shown is needed.

Staff Summary of Public Testimony (Appropriations):

(In support) None.

(Opposed) None.

Persons Testifying (Local Government): (In support) Representative Davina Duerr, prime sponsor; Julia Gold, Tulalip Tribes of Washington; and Carl Schroeder, Association of Washington Cities.

(Opposed) Mike Ennis, Association of Washington Business; and Jan Himebaugh, Building Industry Association of Washington.

(Other) Dave Andersen, Department of Commerce; Paul Jewell, Washington State Association of Counties; Bryce Yadon, Futurewise; and Sean Eagan, Port of Tacoma.

Persons Testifying (Appropriations): None.

Persons Signed In To Testify But Not Testifying (Local Government): None.

Persons Signed In To Testify But Not Testifying (Appropriations): None.